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REMARKS

Specification

The specification was objected to for making reference to canceled claim 10.

The only reference to claim numbers found in the specification is in the last paragraph of page 2. This paragraph has been deleted.

Claim Objections

Claim 19 was objected to because reference numeral 2 in the Figures does not refer to an actual brake torque, but to a nominal brake torque. Reference numeral 1 refers to the prevailing brake force, which is a quantity representative of the actual brake torque. Claim 19 has been amended accordingly for clarification.

Claim Rejections – 35 USC § 112

Claims 17, 20, 22, and 23 were rejected under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Claims 17, 20, 22, and 23 have been amended to remove any ambiguities and unclear references. Additionally, the optional language of claim 21 has been deleted.

Claim Rejections – 35 USC § 102 (b)

Claims 12, 21, 22, and 23 were rejected under 35 U.S.C. 102 (b) as being anticipated by Avery Jr. (US patent 6351703) claim 6.

Avery Jr. discloses an engine management system, not a brake system or a parking brake. Avery Jr. controls the engine torque, i.e. the acceleration of the vehicle, to keep the vehicle speed at or below a certain value in the event of an unauthorized use of the vehicle. Avery Jr. only looks at the parking brake to determine whether the vehicle is stationary (see claim 2 and column 7 lines 51 to 53). Avery Jr. does not manipulate the parking brake torque at all. On the contrary, Avery Jr. does not even consider the possibility that the parking brake may be used while the vehicle is moving and can thus not suggest any concept leading to the present invention. Since Avery Jr. considers the parking brake to be a purely stationary brake, anti-lock control is exactly

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the opposite of what is desired. After all, a parked vehicle's wheels are intentionally locked.

Claim 12 has been rewritten to further clarify the difference. Claim 22 is believed to be sufficiently distinct as amended. Accordingly, Applicant believes that claims 12 and 22 are patentable over Avery.

Claims 21 depends on claim 12, and claim 23 depends on claim 22 so that claims 21 and 23 are believed to be patentable as well.

Claim Rejections – 35 USC § 103

Claims 11-15 and 18 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Avery Jr. in view of Yumoto.

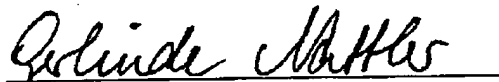
Claims 13-20 all directly or indirectly depend on claim 12 and are thus believed to be patentable.

Furthermore, Yumoto, just like Avery, deals with engine control, not with brake control. Claim 11 limits the acceleration torque, not brake torque. Accordingly, it can only prevent wheel spinning, not locking during braking. Therefore Yumoto, deals with issues unrelated to the subject matter of the present invention and is not relevant.

CONCLUSION

Accordingly, Applicant believes that the claims as amended overcome the rejections made.

Respectfully submitted,



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